

# A GUIDE TO LOCAL REDISTRICTING IN TENNESSEE



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*This manual can also be found on the Office of Local Government's Web page.*

<http://www.comptroller.state.tn.us/cpdivlg.htm>

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# Introduction

Both federal and state law mandate reapportionment and redistricting. In the most technical sense, reapportionment refers to the allocation of political seats among units and is most commonly used in reference to the distribution of congressional seats among the fifty states. Redistricting refers to the delineation of boundaries for political units, such as state legislative and county commission districts.

According to Tennessee Code Annotated 5-1-111, county governments in Tennessee are required to redistrict by January 1, 2002. In order to complete this task, local officials must be equipped with the knowledge of the relevant legal, technical, and procedural aspects of redistricting. This manual attempts to provide a summary of this information.

The manual is divided into three chapters and includes a glossary. The first chapter details the state and federal laws that govern redistricting at the local level. Since litigation sometimes follows redistricting, this chapter is important, especially as it relates to equal population (pp. 6-9) and minority representation (pp. 9-10). The second chapter highlights the data requirements and provides a technical overview of redistricting. Included is an example of an existing county district plan and precinct map with associated population statistics. Chapter 3 provides basic suggestions for local officials to develop new district plans and relates the process to the legal and technical concepts in the first two chapters.

The glossary, Appendix 1, defines many of the terms used in the redistricting process and may be consulted during the reading of any of the chapters.

**Note: Before starting the redistricting process, local officials should review state laws for any changes or new requirements. We also suggest that you seek legal advice when matters of law are in question.**

# **Chapter 1: Local Redistricting And the Law**

For the year 2001 Tennessee will use geographic information systems (GIS) technology to accomplish redistricting at federal, state and local levels. But while GIS is a powerful mapping tool, it does not do all the work. Local officials must have a strong understanding of the state and federal redistricting laws, and recent attorney general opinions. Also, redistricting standards of equal population and minority representation are addressed that provide direction and guidelines for drawing district lines. Understanding these concepts and applying them effectively is the ultimate key to a successful redistricting effort.

## **A. Tennessee Constitution and Statutes**

The 1978 Constitutional Convention amended the Tennessee Constitution, Article VII, Section 1, changing the reapportionment and redistricting requirements for county governments:

“The legislative body shall be composed of representatives from districts in the county as drawn by the county legislative body pursuant to statutes enacted by the General Assembly. Districts shall be reapportioned at least every ten years based upon the most recent federal census. The legislative body shall not exceed twenty-five members, and no more than three representatives shall be elected from a district.”

Here, the constitution provides some general parameters for county apportionment/redistricting. The number of representatives within a county is set at a maximum of 25 and allows for up to three representatives within a single district. This task must be completed at least once every ten years.

Additional membership requirements are provided by Tennessee statute (T.C.A. 5-5-102). Here, the county legislative body is limited to a minimum of nine members and reiterates the constitutional maximum of twenty-five members. Metropolitan government counties are not bound by this requirement. In these counties the metropolitan government charter establishes the size of the legislative body.

The Tennessee Code Annotated 5-1-111(a) through (g) provides more specific guidelines and standards on how reapportionment and redistricting is conducted at the local level. The subsections are provided as a foundation which counties should use in the process of drawing political lines.

“(a) Prior to January 1, 1982, and at least every ten (10) years thereafter, county legislative bodies of the different counties shall

meet and, a majority of the members being present and concurring, shall change the boundaries of districts or redistrict a county entirely if necessary to apportion the county legislative body so that the members represent substantially equal populations.”

This section identifies a few key points that county officials must be aware of. First, the deadline to complete redistricting is January 1, 2002. Based on the Census Bureau’s data delivery schedule and the time required to develop new district plans, county officials must be prepared and plan accordingly.

The other point identifies a goal in redistricting, equal population. Throughout the decade, population shifts within a county may result in unequal population among the various districts. Using the most recent census data, district boundaries can be adjusted or redrawn to equalize population among districts. This concept, known as “one person-one vote” was born out of many 1960’s court cases, most notably *Baker v. Carr* 1962.

The 1968 Supreme Court ruling in *Avery v. Midland County, Texas*<sup>1</sup> is important to local governments. The decision extended the equal population principle of apportionment to the more than 80,000 units of local government.<sup>2</sup> The court found that “the Constitution permits no substantial variation from equal population in drawing districts for units of local government having general governmental powers.”<sup>3</sup> With this ruling, the Court extended to county and city governments the one person, one vote standard that was being applied to congressional and state legislative districts.

County school boards and highway commissions are also subjected to the federal requirement of one person – one vote. Historically, these districts coincide or share the same boundaries as the county commission districts.

In addition to county government, municipalities in Tennessee are subjected to the equal population principle of one person – one vote. In many cases, city charters provide specific details of how local officials are elected.

Equal population is discussed in greater detail on pages 6-9.

“(b)The county legislative body may increase or decrease the number of districts when the reapportionments are made.”

Here, the statute allows some flexibility to determine the appropriate number of districts within a county. Based on significant population changes or other factors, the county may decide to increase or decrease the number of districts and size of the commission accordingly. This decision is usually completed prior to drawing new district boundaries.

“(c) A county legislative body may reapportion at any time if the county legislative body deems such action necessary to maintain substantially equal representation based on population.”

To aid in the interpretation of this section, the attorney general opined in 1996 (No. U96-005) that State law does not authorize a county commission to reapportion its commissioner districts prior to the next decennial census so as to make them more compact where the existing districts are **already** substantially

equal in population. The attorney general continues, “Although this section authorizes a county legislative body to reapportion more than once every ten years, this authority may be exercised only when the county legislative body finds that reapportionment is necessary to **maintain** districts that are substantially equal in population. There is no express or implied authority in Section 5-1-111 to reapportion at any time merely to create more compact districts.”

This means that when a new district plan based on 2000 census totals is approved, that is substantially equal in population, the county commission does not have the authority to change it or create a new one. The county commission can reapportion more than once every ten years only when a district plan does not meet equal population standards.

“(d) The county legislative body must use the latest federal census data whenever a reapportionment is made.”

While in the past, courts have accepted other population bases, this statute carries out the constitutional requirement that the latest federal census data be used when reapportioning and redistricting the county legislative body.

The census taken in 2000 continues the practice which began in 1790, the purpose being to apportion the congressional representatives among the “several states according to their respective numbers... counting the whole of persons in each State.” [Constitution of the United States, Article 1, Section 2] It is census data that state legislatures use to draw the Congressional district lines and the state legislative district lines. The same population data must be used to develop new district plans at the county level.

Although the use of the federal census data is an accepted practice, some have questioned the use of including military, inmate, and university population in redistricting plans. In 1991, the state attorney general opined (No. 91-21) that with regard to county legislative bodies, “**military personnel stationed at military installations in Tennessee, inmates at state correctional facilities and students attending colleges in Tennessee cannot be excluded from the population base in such reapportionment plans.**”

Chapter 2 provides more detail surrounding census data and its use in redistricting.

“(e) Districts shall be reasonably compact and contiguous and shall not overlap.”

The concepts of drawing districts that are compact and contiguous are not new and can be defined in a larger context of “traditional districting principles”. In fact, these principles are required in developing state legislative and congressional districts<sup>4</sup>. In the congressional case of *Shaw v. Reno*, 1992, the court said, “reapportionment is one area in which appearances do matter.”

Compactness can be most easily understood in terms of a district’s shape. Violation of this principle results in districts with “irregular shapes”, better known as gerrymandering. Although statistical methods have even been developed to measure compactness, a 1994 partisan gerrymandering case<sup>5</sup> took a different view of this principle. It viewed compactness not as a geometric shape that could be measured, but rather “the ability of citizens to relate to each other and their representatives and to the ability of representatives to relate effectively to their constituency.”

While the redistricting principle of “reasonably compact” may be somewhat obscure in its definition, contiguity is more easily understood. Simply put, a district must be one homogeneous piece of land, not split into two discrete areas. In addition to districts being contiguous, they shall not overlap or share the same land area.

“(f) In the establishment of boundaries for districts, no precinct shall be split.”

Precinct lines should not cross district lines, and vice versa. A district boundary should always be coincident with a precinct boundary and there should not be two districts in one voting precinct. In other words, precincts are nested within districts. **Precinct and district lines must also follow census block boundaries. Chapter 2 discusses this in further detail.**

Tennessee Code Annotated 2-3-101 through 106 contains the regulations for polling places that are generally designed to make voting accessible and simple. The law authorizes county election commissions to determine where elections are held. The maximum size of a precinct should be 5,000 registered voters. If there is only one voting machine for a precinct, the number of registered voters should not exceed 650. In larger precincts, at least one machine should be provided for every 500 voters. **The law requires written descriptions and maps of precinct boundaries to be filed and recorded in the office of the clerk of the county legislative body and at the state level in the office of Local Government and the Coordinator of Elections office.** They should also be available for public inspection.

“(g) Upon application of any citizen of the county affected, the chancery court of such county shall have original jurisdiction to review the county legislative body’s apportionment, and shall have jurisdiction to make such orders and decrees amending the apportionment to comply with this section, or if the county legislative body fails to make apportionment, shall make a decree ordering an apportionment.”

Any citizen of the county may apply to the chancery court within that county to review the county legislative body’s apportionment. The court can issue a decree ordering an apportionment to comply with the law’s requirements. A citizen may also apply for a review if the county legislative body has failed to apportion itself.

It is important that the county officials involved with reapportionment/redistricting follow these statutes as carefully as possible. With easy access to the 2000 census data via the internet, the proliferation of personal computers, and software development, more persons and special interest groups will be able to draw district lines that may challenge those drawn by county legislative bodies. Chapter 3 provides additional suggestions for county officials that may reduce potential redistricting litigation.

## **B. Equal Population**

While avoiding redistricting litigation may be impossible, the Supreme Court ruling in *Avery v. Midland County, Texas* set a precedent that local officials should use the equal population standard when drawing new district boundaries. In order to use this standard it is important to provide an overview of the relevant case law history and have an understanding of the statistical terms used in this standard.

### **One Person, One Vote**

In the first half of the twentieth century, various courts, including the Supreme Court, questioned whether reapportionment, basically a political process, was a justiciable issue.<sup>6</sup> This changed in 1962, when the



Supreme Court ruled in *Baker v. Carr* that the apportionment system in Tennessee violated the equal protection of the laws guaranteed by the Fourteenth Amendment. The majority opinion written by Justice William J. Brennan, Jr., held that, under the 14th Amendment equal protection clause, the court did possess jurisdiction of the subject matter. Justice Brennan stated “that a justiciable cause of action had been stated upon which appellants would be entitled to appropriate relief”<sup>7</sup> and that the Tennessee apportionment statutes could be challenged.

After ruling in *Baker v. Carr* 396 U.S. 186 (1962) that state-legislative apportionments are justiciable, the U.S. Supreme Court enunciated the “one person, one vote” rule for congressional districts in *Wesberry v. Sanders* (376 US 1, 1964). This ruling required districts to be equal in population: ‘as nearly as practicable one man’s vote in a congressional election is to be worth as much as another’s.’<sup>8</sup>

The concept of “one person, one vote” actually had been described the year before *Wesberry* in *Grey v. Sanders*, 372 U.S. 368 (1963), by Justice William O. Douglas. The court ruled “once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographic unit. This is required by the Equal Protection clause of the fourteenth amendment.”<sup>9</sup>

## Measuring Population Equality

In order to determine whether district plans are “substantially equal in population”, there must be a statistical method to measure this standard. The following terms are used to measure population equality.

**Ideal population** – or optimum population represents the target population total for each district within a county. This is calculated by dividing the total county population by the number of districts.

For example, the 2000 census reveals that XYZ County has a total of 100,000 people with 10 commissioners, one for each district. The ideal population for each district is calculated:

$$100,000 / 10 = 10,000 \text{ people per commission district}$$

When dealing with multi-member districts where representation varies among the districts an additional step is required. In this example, XYZ County has a total of 100,000 people with 12 commissioners among 10 districts. District 1 has 3 commissioners and the remaining nine districts have only one commissioner.

First, the ideal population per commissioner is calculated by dividing the total county population by the total number of members:

$$100,000 / 12 = 8,333 \text{ people per commissioner}$$

Next, each district’s ideal population is calculated multiplying this total with the number of members in the district:

$$\text{District 1 Ideal Population: } 8,333 \times 3 = 24,999$$

or

$$\text{District 2-10 Ideal Population: } 8,333 \times 1 = 8,333$$

While the ideal population is a target that redistricters should aim for it is almost impossible to exactly hit this mark. When the ideal population is not reached, a **deviation** is calculated for individual districts.

**Deviation** – this term represents the difference between the ideal population and a district’s actual population, and can be expressed in two ways, absolute and relative.

Absolute deviation is the positive or negative population total from the ideal population. For example, District 1 has an actual population of 10,500 and an ideal population of 10,000, absolute deviation is calculated:

$$10,500 - 10,000 = 500$$

Relative deviation is calculated by dividing the absolute deviation by the ideal population and expressed in terms of a percentage. Using the same population totals, relative deviation is calculated:

$$500 / 10,000 = .05 \text{ or } 5\%$$

For practical purposes, relative (percent) deviation is the generally accepted statistic used in redistricting.

**Overall Range** – once the relative deviation is calculated for each individual district, the overall range is determined. This statistic is calculated by determining the difference between districts with highest and lowest relative deviation. For example, if the highest and lowest deviations are +5% and -4% respectively, the overall range is 9%.

Overall range is most commonly used in evaluating whether a district plan meets the one-person one-vote equal population standard. Page 16 shows an example of these statistics and a county district map.

Although state and federal statutes provide specific guidelines for redistricting, Congress and the Tennessee General Assembly have not gone so far as to pass a law that defines an acceptable overall range. In reference to state legislative districts, the Supreme Court has also steered clear of “mathematical exactness” but rather insisted only on a “good faith effort to set up districts on an equal population basis.”<sup>10</sup>

## The Ten-Percent Rule

In spite of these comments, further Supreme Court rulings in *Gaffney v. Cummings* and *White v. Regester* have established a 10 percent (overall range) *de minimis* rule for state legislative districting, with states “not required even to try to justify overall ranges of that or a lesser degree.”<sup>11</sup> Although this rule was formulated based on state legislative cases, it is generally accepted that local governments are subjected to this standard<sup>12</sup> but may be given greater latitude than state plans.

This ten percent rule was challenged in Tennessee, in *Langsdon v. Millsaps*. The 1992 House of Representatives apportionment plan had an overall range of 13.9 percent and was drawn to minimize splitting of counties. However, the plaintiff’s plan had an overall range of only 9.8 percent and split fewer counties. The district court held, and the Supreme Court affirmed, that, although the “constitutional provision against splitting counties is a rational state policy to be considered in apportionment legislation,” in this case it was “patently unreasonable to justify a 14% variance on the basis of not splitting counties” because, as plaintiffs had shown, fewer counties may be split while decreasing the variance below the goal of 10 percent.<sup>13</sup>

A Supreme Court ruling in 1971 dealt with an overall range for local governments. “In *Abate v. Mundt*, 18 members of county government were apportioned among five cities resulting in an overall range of 11.9 percent. The Court noted that:

‘The facts that local legislative bodies frequently have fewer representatives than do their state and national counterparts and that some local legislative districts may have a much smaller population than do congressional and state legislative districts, lend support to the argument that slightly greater percentage deviations may be tolerable for local government apportionment

schemes. Of course, this Court has never suggested that certain geographic areas or political interests are entitled to disproportionate representation. Rather, our statements have reflected the view that the particular circumstances and needs of a local community as a whole may sometimes justify departures from strict equality.’”<sup>14</sup>

In summary, the key for local officials to satisfy the “one person, one vote” standard is to develop commission district plans that keep the overall range below 10 percent. When district plans exceed this threshold, local officials should be prepared to justify the excess with “consistently applied, nondiscriminatory redistricting policies.”<sup>15</sup>

## C. Minority Representation

In addition to the “one person, one vote” or equal population standard, county legislative bodies must consider minority representation when developing new district plans. The past 35 years have provided local officials with a general set of parameters when considering the need to draw majority-minority districts. Specifically, the federal Voting Rights Act and racial gerrymandering provide a framework when trying to balance this delicate issue.

### Voting Rights Act

The original purpose of the Voting Rights Act passed in 1965 was to protect minority voters against discriminatory voting tests and to equalize electoral opportunity. The Act was amended in 1982. Two of the sections, Sections 2 and 5, directly affect redistricting efforts.

Section 2 of the Voting Rights Act can apply to any jurisdiction in any state. It provides that any voting practice which results in discrimination on the basis of race, color or membership in a language minority is unlawful. It enables a person filing suit to prove a violation of Section 2 if, as a result of the challenged practice or structure, plaintiffs did not have an equal opportunity to participate in the political process and to elect representatives of their choice.

The 1982 amendment to Section 2 specifies that courts must look at the “totality of circumstances” in determining whether a voting rights violation of Section 2 has occurred. Factors to be considered include, but are not limited to, bloc voting, a history of discrimination, depressed levels of minority employment, income and few minorities elected to office. (See “Voting Rights Act Extension Cleared for President Reagan”, in the *Congressional Quarterly Weekly Report*, Vol. 40, No. 26, June 26, 1982.)

The 1982 amendment also provides that the results standard does not create a right of proportional representation, i.e. a right to have members of a protected class elected in numbers equal to their proportion in the population. The ultimate question to be answered under a Section 2 challenge is whether the minority has been denied an equal opportunity to participate and elect candidates of its choice.

In a Supreme Court case, *Thornburg v. Gingles*, 478 U.S. 30,44 (1986), a three-part test was developed that “a minority group must meet in order to establish a vote dilution claim under Section 2 of the Voting Rights Act. The test requires that a minority group prove that (1) it is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) it is politically cohesive; and (3) in the absence of special circumstances, bloc voting by the white majority usually defeats the minority’s preferred candidate.” (*Reapportionment Law: The 1990s*, NCSL Reapportionment Task Force, NCSL, October, 1989, pp. 63-64.)

In a summary of the *Thornburg v. Gingles* ruling, Peter Wattson, counsel for the Minnesota Senate writes, “If you have a minority population that could elect a representative if given an ideal district, but bloc voting by whites has prevented members of the minority from being elected in the past, you will have to create a district that the minority has a fair chance to win. To do that, the minority will need an effective

voting majority in the district.”<sup>16</sup>

The results test of Section 2 is also being applied to vote dilution cases targeting at-large or multimember districts. Under an at-large plan, the majority can vote as a bloc, choosing all officeholders and denying the minority an effective opportunity to elect candidates of its choice. While these districts are not considered unconstitutional per se, courts are scrutinizing them closely. Any plan drawn by a federal court, absent special circumstances, must use single-member districts. Even though at times at-large or multimember districts may be judged to provide equal opportunity to the electoral process, they should be used with care as attacks against them are increasing. The Supreme Court has repeatedly held in disfavor of local multimember district plans that dilute minority voting strength.<sup>17</sup>

Unlike Section 2 of the Voting Rights Act, Section 5 does not apply to all jurisdictions. It applies only to those subject to preclearance as a result of certain criteria in Section 5. Preclearance jurisdictions are required to submit to the Department of Justice or to the U.S. District Court for the District of Columbia *all* of their election law changes, not just district changes. Tennessee is not a preclearance state.

### **Racial Gerrymandering**

While the Voting Rights Act protects minorities against discrimination and attempts to equalize electoral opportunity, recent Supreme Court decisions, most notably *Shaw v. Reno* 1992, have provided some guidance on the extent that race can be used in redistricting. Known as racial gerrymandering, many states (North Carolina, Georgia, Louisiana, et al.) during the 1990’s excessively used race as criteria to develop district plans. Ignoring “traditional districting principles”, the Supreme Court ruled that these districts violate the Equal Protection Clause of the Fourteenth Amendment. However, these rulings were not unanimous and in some circumstances the court has stated that a State may intentionally create majority minority districts.

The courts consider a variety of factors to determine whether a district is considered a racial gerrymander. One of the principle characteristics is this process is district shape. The 12<sup>th</sup> congressional district in North Carolina was most symbolic in relating shape to racial gerrymandering. The district was approximately 160 miles long and wound its way across the state in an attempt to include predominantly black neighborhoods. The Supreme Court, in *Shaw v. Reno*, addressed this irregular shape by stating that, “reapportionment is one area in which appearances do matter.”<sup>18</sup>

Viewing a district’s shape on a map is obviously the most visible way to evaluate a racial gerrymander but doesn’t necessarily reveal the intent for creating such a district. Statements and other correspondence from legislators and legislative staff can also determine whether race was used as the predominant factor when drawing district boundaries.

When applying and documenting the use of traditional districting principles throughout the redistricting process, a state or local government is more likely to defeat a claim of racial gerrymandering. These principles vary among jurisdictions, but in the *Shaw* case, the Supreme Court listed these principles as compactness, contiguity, respect for political subdivisions, respect for communities of interest, and protection of incumbents. While the Supreme Court, in *Shaw v. Reno*, has limited the use, or abuse, of race in redistricting, it recognizes that race should not be excluded all together. Rather, race should have equal standing with traditional districting principles when legislators or other government officials develop district plans.

In summary, local officials must attempt to balance the delicate issue of minority representation. They should respect the Voting Rights Act that protects against discrimination and dilution of minority voting strength, while at the same time, avoid racial gerrymandering by using race in conjunction with traditional redistricting principles.

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<sup>1</sup>390 U.S. 474 (1968).

<sup>2</sup>Cortner, *op cit*, p. 256.

<sup>3</sup>*Avery v. Midland County*, 390 U.S.

<sup>4</sup>*Redistricting Law 2000*, NCSL Redistricting Task Force, Denver, Colorado, February 1999, pp.72-73.

<sup>5</sup>*The Realists' Guide to Redistricting*, "Avoiding the Legal Pitfalls", Hebert, et al, Jenner &Block, 1998, p. 46.

<sup>6</sup>*The Apportionment Cases*, Richard C. Cortner, The University of Tennessee Press: Knoxville, 1970. Chapter 1, "Courts, Politics and Reapportionment", pp. 3-27, gives a brief history of the cases ruled on in state courts and the apportionment of state legislatures before *Colegrove v. Green* in 1946.

<sup>7</sup>*Reapportionment Revolution*, Gordon E. Baker, Random House, New York, 1967, p. 157.

<sup>8</sup>Mathew D. McCubbins and Thomas Schwartz, "Consequences of One Man, One Vote Rule", *American Journal of Political*, 1988, Vol. 32.

<sup>9</sup>*Gray v. Sanders*, 372 U.S. (March 18, 1963) at 379 as quoted in *The Apportionment Cases*, Richard C. Cortner, The University of Tennessee, Knoxville, 1970 pp. 193-194.77 U.S. 533 at 565.

<sup>10</sup>*Political Studies*, "Representation, Reapportionment and the Supreme Court," Charles M. Redenius, Pennsylvania State University, p. 518.

<sup>11</sup>*Redistricting Law 2000*, NCSL Redistricting Task Force, Denver, Colorado, February 1999, p. 32.

<sup>12</sup>*Redistricting Law 2000*, NCSL Redistricting Task Force, Denver, Colorado, February 1999, p. 132.

<sup>13</sup>*Redistricting Law 2000*, NCSL Redistricting Task Force, Denver, Colorado, February 1999, p. 38.

<sup>14</sup>*Abate v. Mundt*, 403 U.S., 182, 185.

<sup>15</sup>*The Realists' Guide to Redistricting*, "Avoiding the Legal Pitfalls", Hebert, et al, Jenner &Block, 1998, p. 9.

<sup>16</sup>*State Legislatures*, "Maps That Will Stand Up in Court," Peter S. Wattson, September, 1990, p. 17

<sup>17</sup>*Redistricting Law 2000*, NCSL Redistricting Task Force, Denver, Colorado, February 1999, p. 133.

<sup>18</sup>*The Realists' Guide to Redistricting*, "Avoiding the Legal Pitfalls", Hebert, et al, Jenner &Block, 1998, p. 42.

# Chapter 2:

# Redistricting Data

# Requirements

While court decisions, state and federal law, and other redistricting guidelines provide a legal and conceptual framework for redistricting, local officials will need specific data to develop new district plans. The Census Bureau provides states and local governments with two types of redistricting data: **maps and population figures**. The census bureau also identifies the Office of Local Government as one of the official recipients of this information. This office will distribute census data and other map related information to county officials charged with redistricting through two organizations, the County Technical Assistance Service (CTAS) and the Department of Economic And Community Development, Local Planning offices. Chapter 3 discusses the role of these organizations in greater detail.

## A. 2000 U.S. Census Data

Tennessee law mandates the use of census data (maps and population totals) and refers to its use in local redistricting and in the establishment of voting precincts. The first, TCA 5-1-111(d), states that, “the county legislative body must use the latest federal census data whenever a reapportionment is made.” Map references are found in this section and TCA 2-3-102, where precincts and districts must follow census block boundaries.

### Census Maps

To support a variety of mapping functions within the Census Bureau, a digital map product has emerged that will be critical for redistricting officials. This digital database, known as T.I.G.E.R. (Topologically Integrated Geographic Encoding and Referencing) was initially developed for the 1990 census and marked the first time that the Census Bureau had a “computerized map” for the entire United States. Other programs or projects within the Census Bureau rely on specific map products, but local redistricting in Tennessee will rely on TIGER and maps produced from this database.

TIGER consists of a number of files containing geographic information that can be viewed on a computer using GIS software. The geographic data is divided into either areas or lines. Linear data are defined as roads, railroads, utilities, hydrography (streams and rivers), landmarks, and other non-visible features. More significant to the redistricting process are area features.

Area features are structured within a hierarchy of geographic units and are divided into political and statistical subdivisions. The following units will be used in the local redistricting process.

### Political Areas

1. **County** – defines the geographic extent of redistricting and reapportioning commission seats.
2. **Voting Tabulation District (VTD) or Precinct** – a portion of a county that uniquely identifies where citizens cast their vote in elections. In 1998-99 during Phase II of the Census Bureau’s Redistricting Data Program, the Office of Local Government submitted digital versions of all county precinct maps. The Census Bureau used these precinct maps to tabulate 2000 population

totals. **Due to city annexations and changes in block boundaries however, some of these maps do not reflect actual precinct boundaries.** Precincts with modified boundaries are identified as pseudo precincts.

### 3. Place.

- a. **Incorporated place.** A governmental unit incorporated under state law as a city, town, village or borough having legally prescribed limits, powers and functions.
- b. **Census designated place.** An area designated by the census bureau comprising a densely settled concentration of population that is not incorporated but which resembles an incorporated place.

## Statistical Areas

- 1. **Block** - An area bounded on all sides by visible features such as streets, roads, streams and railroad tracks (see page 14). In size, they resemble city blocks but can be quite large in rural areas. In 1995-97 during Phase I of the Census Redistricting Data Program, county officials were able to help define new block boundaries that more closely resemble precinct boundaries and will provide redistricting officials with more choices when drawing new districts.

***\*Note:** Only geographic areas used in the redistricting process are defined here. Other political and statistical area features found in TIGER and other census map products (e.g. tracts, block groups, census county divisions, etc.) are detailed on the Census Bureau's web site. <http://www.census.gov>*

Although the content and spatial accuracy of these area and line features in TIGER have improved from the 1990 census, some problems exist and other digital maps, usually developed for individual counties, may reflect a higher degree of accuracy. The strength of TIGER however is not its content or accuracy but its ability to link these geographic features to census population totals.

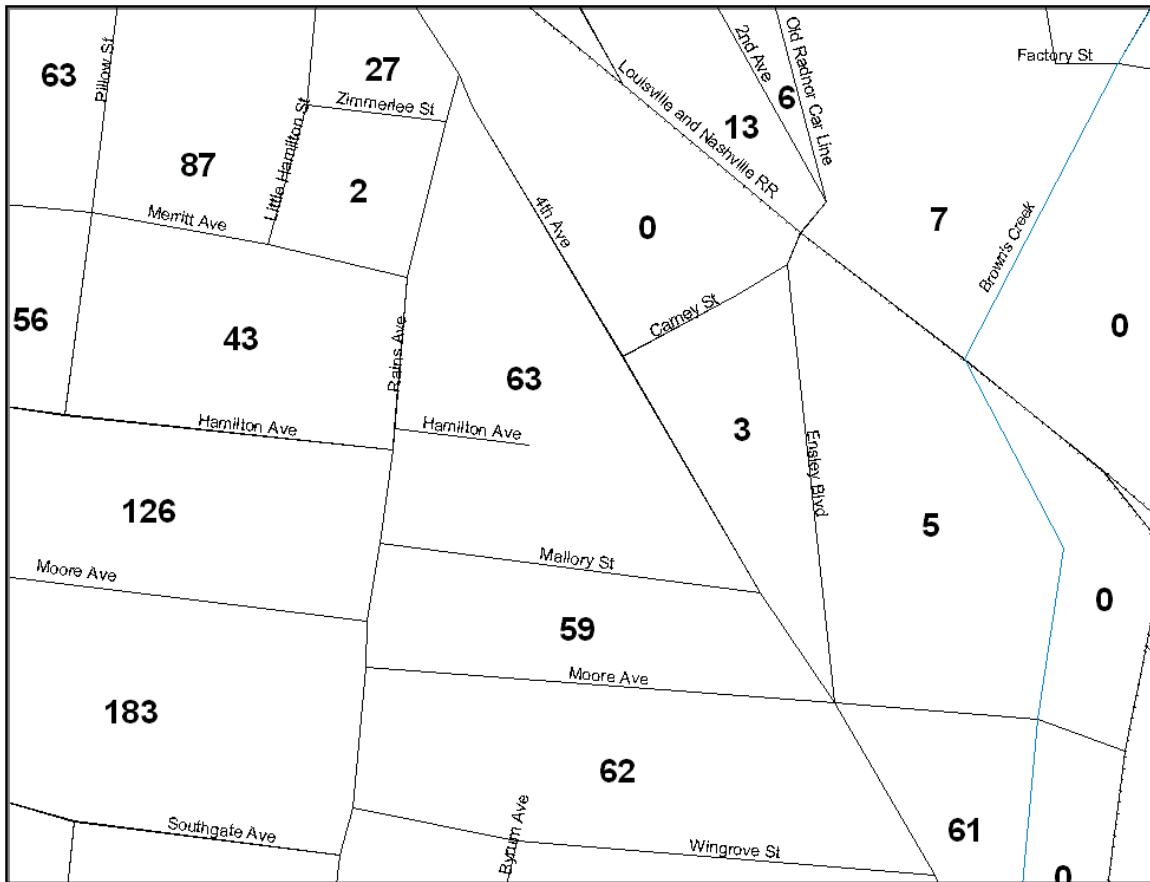
## Population Figures

The 2000 Census will provide population data for a variety of political and statistical geographic areas. The redistricting effort will utilize population data at the block, VTD (precinct), and county levels, as it did in 1990 round of redistricting.

On December 31, 2000, in accordance with federal law, the President received the first figures from the 2000 census. The total U.S. population, 281,421,906 and the fifty state totals are used to apportion the seats in congress. Throughout 2001, the Census Bureau will release additional population totals, including block, VTD, and county population data required for redistricting. Population data for these three levels of geography will include total population, voting age population, and population by race.

- 1. **Block level** – is the smallest geographic area that the Census Bureau collects and tabulates population data and is the foundation for constructing or modifying county commission districts (see example on page 14).
- 2. **VTD or precinct level** – this feature resembles or approximates county voting precincts. Population data collected and tabulated at this level is also applied to local redistricting.
- 3. **County** – population tabulated at this level is used to help define measures of equal population, such as ideal population, deviation, and overall range.

While Tennessee law indicates that the 2000 census population figures are the official data set used for



**Example of Census block boundaries with labeled population.**

redistricting, (U.S.) Public Law 94-171 also requires the Census Bureau to report these population totals to all organizations charged with redistricting by April 1, 2001. Although the Census Bureau is required to perform this task every ten years in conjunction with the decennial census, the 2000 population totals will have a notable difference from previous enumerations.

For the first time, the 2000 Census allowed individuals to choose more than one of several race categories (White, African American or Black, American Indian, or Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, Other Race.) As a result of this change, data reports will include both “single race” totals for those who choose only one race and “all-inclusive” totals for those who mark more than one of the race categories.

## **B. Existing County Maps**

While census maps and 2000 population totals are essential data sources for local redistricting, existing county commission district and precinct maps can provide a starting point for local officials. The Office of Local Government is the custodian of these maps and has worked with county officials throughout the decade to keep these current and well maintained. District boundaries have remained constant in most counties, but precinct lines may have changed in others. Population shifts and voting trends may result in precinct consolidation, creation, and boundary modification. As previously mentioned, city annexations present the biggest challenge for election administrators to keep precinct lines on census block boundaries.



## County Commission District Maps

While the Census Bureau will tabulate 2000 population data for VTD's or precincts, the 2000 population summaries for existing commission districts is unknown. However, with access to all 95 county commission district maps and the 2000 TIGER files, the Office of Local Government can produce a map showing the new 2000 census blocks and the existing commission districts. Although some district adjustments to new census blocks are required, 2000 population totals can be determined for each commission district. These **estimated** district totals are an excellent starting point to begin the redistricting process. An example of a 1990 district map is found on page 16. Highlighted are two districts with the highest and lowest relative (percent) deviation and the overall range. These statistics are used to determine if the existing districts comply with the ten-percent rule and will identify districts that may need significant boundary adjustments.

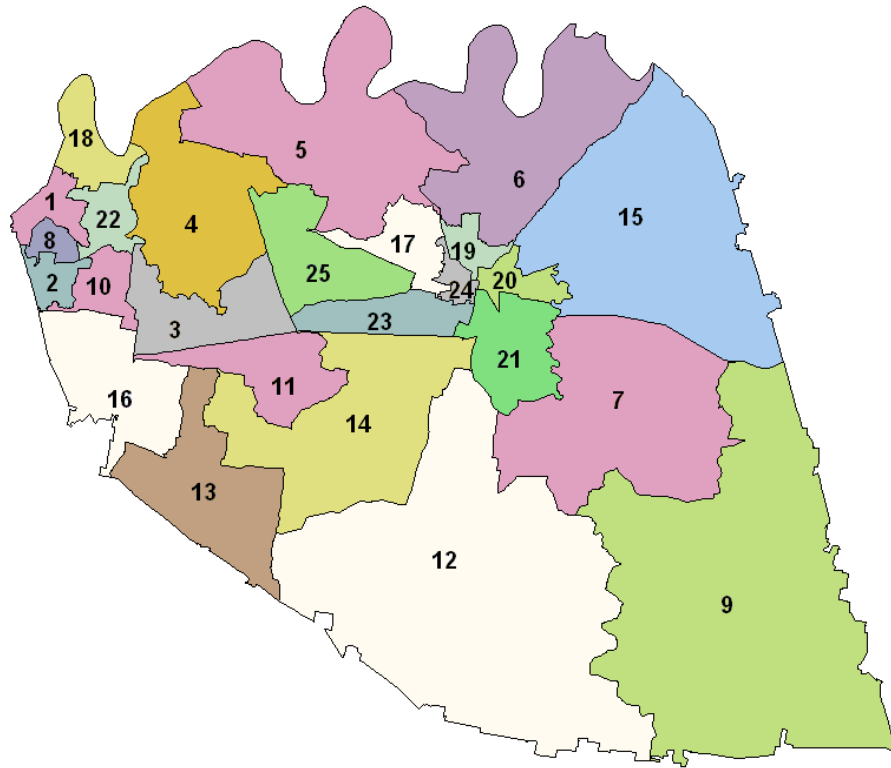
An assumption is made that county officials will start redistricting with the existing districts as a foundation. Based on an increase or decrease in the number of commissioners and/or districts, local officials may elect to start with a clean slate and disregard existing districts. More details are provided in Chapter 3.

## Voting Precinct Maps

Another option for county officials is to use voting precincts as the foundation for creating county commission districts. Rather than using existing districts or new 2000 census blocks as a starting point, local officials may choose to create districts by aggregating voting precincts or VTDs. While these VTDs may not precisely define true voting precincts as administered by election officials due to block boundary changes and city annexations, population summaries by precinct are available and the Office of Local Government can provide maps that define these areas. An example of a county precinct map is provided on page 17.

Through the use of geographic information system (GIS) software, county maps detailing 2000 census blocks with existing districts and precincts will be available from the Office of Local Government. Flexibility exists to produce maps of varying size, scale, and geographic features (city boundaries, census blocks, roads, districts, precincts, etc.) for each county. These map and data products will meet local redistricting requirements.

## Example of County Commission Districts and Population Summary



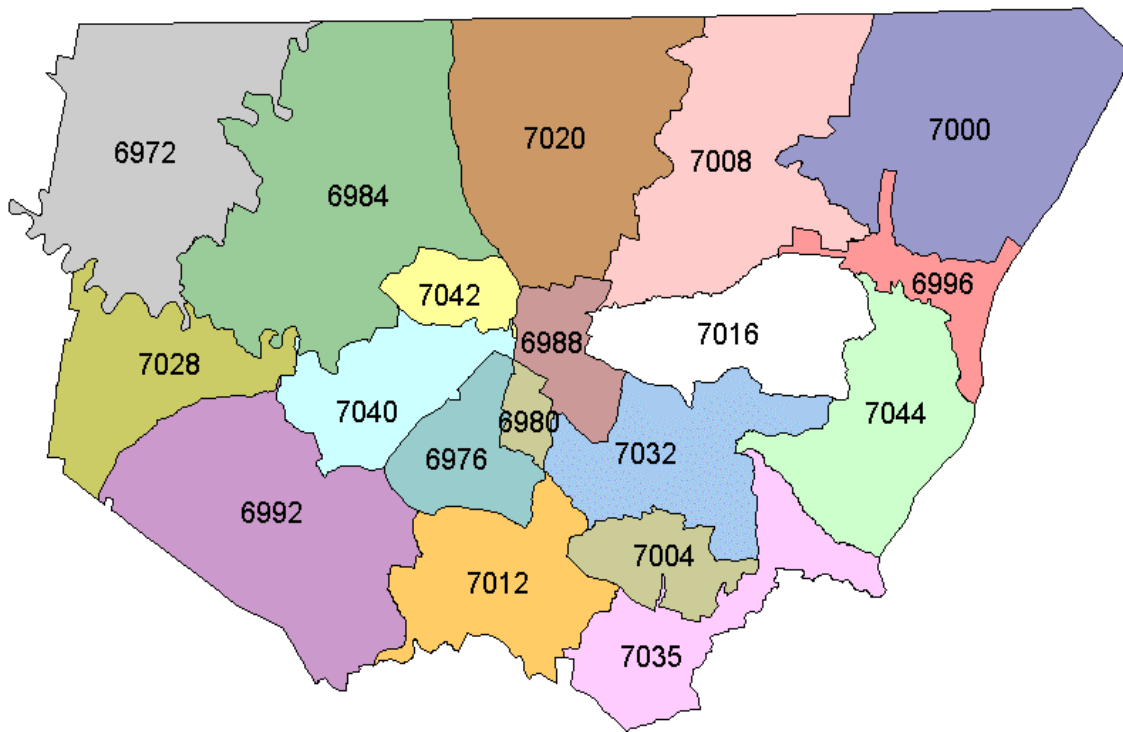
### POPULATION SUMMARY BASED ON 1990 CENSUS

Total Population 67,675

OVERALL RANGE: [3.8 - (-2.1)] = 5.9

District No.	Comm per Dist	Total Population	Ideal Pop	Deviation	%Deviation
1	1	2,673	2,707	-34	-1.3
2	1	2,745	2,707	38	1.4
3	1	2,753	2,707	46	1.7
4	1	2,709	2,707	2	0.1
5	1	2,809	2,707	102	3.8
6	1	2,649	2,707	-58	-2.1
7	1	2,654	2,707	-53	-2.0
8	1	2,747	2,707	40	1.5
9	1	2,712	2,707	5	0.2
10	1	2,713	2,707	6	0.2
11	1	2,659	2,707	-48	-1.8
12	1	2,741	2,707	34	1.3
13	1	2,728	2,707	21	0.8
14	1	2,696	2,707	-11	-0.4
15	1	2,770	2,707	63	2.3
16	1	2,729	2,707	22	0.8
17	1	2,683	2,707	-24	-0.9
18	1	2,717	2,707	10	0.4
19	1	2,656	2,707	-51	-1.9
20	1	2,656	2,707	-51	-1.9
21	1	2,723	2,707	16	0.6
22	1	2,671	2,707	-36	-1.3
23	1	2,683	2,707	-24	-0.9
24	1	2,711	2,707	4	0.1
25	1	2,688	2,707	-19	-0.7

## Example of Voting Precincts and Population Summary



### POPULATION SUMMARY BASED ON 1990 CENSUS

Total Population 41,494

Precinct Name	VTD No.	Total Pop	Age 18+ Pop
01-1 East Robertson H.S.	6996	1,690	1,193
01-2 Orlinda Club House	7000	1,885	1,377
02-1 Tri-County Bapt Church	7044	3,350	2,338
03-1 South Haven Bapt Church	7032	3,418	2,461
04-1 Ridgetop Adventist Elem.	7035	3,566	2,594
05-1 Greenbrier High School	7004	3,451	2,507
06-1 Coopertown School	6992	2,114	1,515
06-2 Mt. Sharon C.P. Church	7012	1,397	1,024
07-1 Adams Methodist Church	6972	1,252	949
07-2 Cedar Hill Club House	6984	1,634	1,196
07-3 Stroudsville Ch.of Christ	7028	495	363
08-1 Krisle School	7008	1,178	842
08-2 HATS	7020	1,299	925
08-3 Owens Chapel Fellow. Hall	7016	1,061	773
09-1 The Center	6988	3,401	2,569
10-1 Catholic School	6980	3,597	2,639
11-1 Westside School	7040	2,804	2,084
11-2 Mt. Denson C.P. Church	7042	568	411
12-1 Bransford School	6976	3,334	2,349

# Chapter 3:

## A Guide to Local Redistricting

The legal and data requirements of redistricting covered in the first two chapters can be summarized procedurally by simply aggregating census blocks to create commission districts. However, reaching that point requires some appropriate planning and organization within each county and among various State agencies involved with local redistricting. The following chapter identifies a series of recommended steps or suggestions to complete this task.

### Step 1) Appoint a redistricting committee to draw plans

County legislative bodies must decide who will be responsible for drawing the district lines. The whole legislative body itself can work in this capacity, but it may be more appropriate to select a redistricting committee. There are no specific regulations for the composition of the redistricting committee, but it does not have to be limited to members of the county commission. **Due to the impact of redistricting on voting precincts, it is highly recommended that the committee include someone from the election commission, either a commissioner or the administrator of elections.**

Alternatively, the entire legislative body could be involved in the drawing of plans. Generally, however, smaller groups can work better on suggested plans that are then presented to and voted on by the entire legislative body.

One member should serve as chairman of the redistricting committee. This person is identified as the main point of contact and **will be responsible for communicating with state officials from the Office of Local Government, and either the County Technical Advisory Service (CTAS) or the Department of Economic and Community Development, Local Planning offices.**

### Step 2) Acquire or collect redistricting data.

As indicated in Chapter 2, the Census Bureau is the primary data provider for local redistricting. The Office of Local Government will receive census maps (TIGER files) and population data for each county in Tennessee. This information will then be distributed to most redistricting committees or county commissions through CTAS or Local Planning staff. Some counties will work directly with the Office of Local Government.

Using 2000 census data with existing districts and precincts, the Office of Local Government can produce a variety of maps. Standard map products include:

1. Current districts with 2000 census blocks
2. Current precincts with 2000 census blocks
3. Census blocks only

All of these maps will symbolize census block boundaries to indicate roads, rivers/creeks, railroads, power lines, and city boundaries.

The map legend will indicate the population totals for districts and precincts. Due to changes in 1990 block boundaries and city annexations, precinct and district population may not reflect actual totals.

Conventional use of paper maps will not be the only method used in redistricting. Improvements in hardware and software have made it possible for local officials to develop district plans using Geographic Information Systems (GIS) and digital maps. Through the support of CTAS, Local Planning and existing county staff, district plans can be developed “on the fly”, making the redistricting process much more efficient and timely. Population totals are automatically calculated as census blocks are assigned to various districts. While this process may not be error proof, GIS can provide local officials with an improved redistricting tool.

**Step 3) Evaluate current districts with 2000 population to determine what changes, if any, must be made.**

**First: Decide if the number of districts and commissioners will remain the same.**

If the committee or county commission decides to change the number of districts and/or size of the commission (reapportion, see glossary), skip to Step 4.

**Second: Examine the population of each commission district as presently drawn.**

Use the map provided by the Office of Local Government to examine 2000 population totals for each district.

*\*Remember: Some district boundaries will be adjusted due to changes in census block boundaries from 1990 to 2000. New population totals for existing districts reflect these adjustments.*

**Third: Determine if the current district plan adheres to the “Ten-Percent Rule”.**

Based on the population totals and percent deviations per district determine if the overall range (see Chapter 1 and page 16) is acceptable. Also, identify which districts have exceedingly high or low deviations. The redistricting effort will probably begin in these areas.

**Fourth: Examine any existing majority minority districts.**

First, determine if majority minority districts exist in the old district plan. If they do, to avoid a claim of retrogression and a potential lawsuit, the new district plan should probably include these districts or a modified version of these districts. However, based on significant population changes, adding new or modifying old minority districts may or may not be justified.

**Step 4) If necessary, draw one or more new district plans.**

After receiving maps with population data, and evaluating the existing districts, the actual redistricting work will begin. CTAS and Local Planning can provide counties with technical assistance during this step.

**First: Determine if the committee wants to adopt guidelines under which the district lines will be drawn.**

It is a good idea for the redistricting committee to retain complete records of meetings and district plans. Specific guidelines such as keeping districts compact and contiguous, adhering to the ten-percent rule and the need to consider majority minority districts can be written into the record.

Documentation is also critical when, on the rare occasion, district plans exceed an overall range of ten percent. Based on disproportionate population distribution between urban and rural areas and county physiography problems (e.g. ridge and valley in East Tennessee) it may be difficult to create plans that have an overall range of less than ten percent. Keeping a record of why the committee developed a district plan that exceeds this standard may prove beneficial if challenged in court.

**Second: Determine if the committee intends to draw more than one plan to present to the entire legislative body.**

There may be minimal change to current districts if population shifts are insignificant. In other words, existing districts with 2000 population totals may already have an overall range of less than ten percent. This does not prevent the committee from creating alternative or new district plans. New districts can be drawn to separate urban from rural areas, or to keep homogeneity within a district. Other factors that may be considered include incumbents' residences, preserving communities of interest, and other factors important within the county.

**Third: Determine the method for drawing new districts.**

Whether redistricting committees use digital maps with GIS software or conventional paper maps, there are three basic choices on how to start redistricting:

1. **Use census blocks with current districts.** When the number of districts and commissioners remain the same, the existing districts can be used as a starting point. Balancing the population is accomplished by simply swapping census blocks between districts.
2. **Use census blocks only.** If the number of districts and/or commissioners increase or decrease it may be more appropriate to disregard the existing districts and begin a new plan from scratch, using census blocks as the foundation. In this scenario, every census block in the county will be assigned a new district. Once this is completed, balancing the population or fine-tuning the district plan is accomplished the same way as the first option.
3. **Use Precinct boundaries.** In addition to census blocks, voting precincts or VTD's can be used as the means of drawing new districts. Individual or multiple precincts can be aggregated to create new commission districts. Attempting to preserve existing precincts is an idea that redistricting committees should consider but may not be able to achieve. If the committee does redistrict based on precincts, election officials will still have some work to do. In some cases, based on city annexations and census block changes, precinct boundaries have been adjusted. So, even if the committee decides to keep the existing districts or redistrict based on existing precincts, some county residents may be moved to an adjacent precinct, and new polling place.

**Fourth: Consider other variables when drawing new plans.**

Technically speaking, redistricting is assigning census blocks and/or precincts to county commission districts. The sum of census blocks within a district will generate a population total for each district. While this appears to be a straightforward process, other factors need to be considered when drawing new districts.

**City or Incorporated boundaries** – During the 1990's round of local redistricting, many plans were drawn to create commission districts which coincide with city boundaries. As a result, city residents were able to elect county commissioners that represented and protected their political interests. While there are benefits to this practice, some potential problems can arise when city boundaries, coincident with commission districts, move due to annexations or deannexations.

While election officials prefer to move precinct boundaries with annexations, this should not affect commission districts. In other words, **annexations should not result in moving county commission district boundaries or should not result in registered voters being moved into a new county commission district.** When this occurs, voters may cast ballots for individuals that are not in their district.

Redistricting committees should be aware of this situation and can help minimize this problem from happening. This may be accomplished with the following two suggestions:

1. Include a few unincorporated census blocks in these “city” districts so that the new commission districts do not exactly coincide with city boundaries. Then, as annexations occur, commission districts may not be affected.
2. Instead of creating one commission district for an entire city, divide the city into two or more commission districts in such a way that annexations will not affect commission districts.

Although it is very difficult, if not impossible to predict when and where annexations will occur after finalizing the district and precinct plan, redistricting officials should take this into consideration when drawing new districts.

Inevitably, some new commission districts will coincide with city boundaries. When annexations occur in these areas, election officials must be prepared to preserve existing commission districts.

#### **Step 5) Complete final district plan.**

When the committee agrees on a final district plan, it should be reviewed with the following legal guidelines in mind:

**Equal Population.** State and federal law requires districts to represent substantially equal populations. The “Ten-Percent” rule provides some guidelines for what constitutes equal population. District plans should attempt to have an overall range of less than ten percent.

**Minority Representation.** The final plan should include a balance between the Voting Rights Act, which protects against discrimination and dilution of minority voting strength, and racial gerrymandering, by using race consistent with the traditional redistricting principles.

**Making districts both compact and contiguous.** State law (TCA 5-1-111(e)) details the requirements of these two traditional redistricting principles. New commission districts should be one undivided parcel of land that is not irregular in shape.

#### **Step 6) Complete final precinct map.**

Based on district changes, the election commission should adjust precinct boundaries and/or create new precincts to coincide with new commission district boundaries.

The following excerpts are from Tennessee Code Annotated concerning revisions of precinct boundaries by the county election commission.

“Any precinct boundary in such county which is altered in accordance with the provisions of this subdivision shall coincide with a census block, as designated on United States bureau of the census maps prepared for the 2000 federal decennial census.” (T.C.A. 2-3-102 (a)(2))

“Immediately after any alteration of precinct boundaries, the county election commission shall publish the changed boundaries in a newspaper of general circulation in the county. The county election commission shall mail to each voter whose polling place is changed a notice of his new polling place and his precinct number. Furthermore, immediately after any alteration of precinct boundaries, the county election commission shall give written notification of such changes to the office of local government, comptroller of the treasury.” (T.C.A. 2-3-105)

**Legal descriptions of voting precincts should also be created and submitted to the Office of Local Government.**

**Step 7) Adopt final plan by resolution.**

After the legislative body reaches consensus on a final district plan, it should be adopted by resolution of the county legislative body. **The resolution should contain legal descriptions of each district and a copy submitted to the Office of Local Government.**

The Office of Local Government will prepare three copies of final district and precinct maps requiring district certification signatures from any two of the following county officials: the county executive, the chairman of the county commission, a member of the county commission, or the county clerk. Likewise, precinct certification signatures are required from any two of the following county officials: the administrator of elections, a member of the county election commission, or the county clerk.

After the maps are signed, one copy should be sent to the State Election Coordinator and one copy should be sent to the Director of the Office of Local Government. The third copy is retained for local use.

**\*Final Note: Before starting the redistricting process, local officials should review state laws for any changes or new requirements. We also suggest that you seek legal advice when matters of law are in question.**



# Appendix 1

## Glossary

**Apportionment or Reapportionment**—Often confused with or used interchangeably with redistricting, these terms refer to the allocation of political seats among districts and are most often used in reference to the allocation of seats for the U.S. House of Representatives among the states. At the local level, this refers to changing the size of the commission or redistributing commission seats among districts.

**Bloc Voting**— a combination of persons or groups with a common interest or purpose who vote as a bloc or unified group.

**Block (Census Block)**—An area bounded on all sides by visible features, such as streets, roads, streams and railroad tracks, or by other limited non-visible boundaries such as city, town or county limits, and extensions of streets. A block is the smallest statistical area for which the census bureau collects and tabulates population data (see page 14).

**Block Number**—A four-digit number identifying a census block. 1990 blocks were three digit numbers. This change will allow the Census Bureau to create additional blocks, providing more flexibility when drawing new districts. Block numbers are unique within block groups and tracts.

**Census Tract**—A small, relatively permanent division of metropolitan statistical areas and selected non-metropolitan counties, delineated for the purpose of presenting census data. When census tracts are established, they are designed to be relatively homogeneous with respect to population characteristics, economic status and living conditions, and to contain between 2,500 and 8,000 inhabitants. Census tract boundaries are established cooperatively by local census statistical areas committees and the Census Bureau in accordance with Bureau-defined guidelines that impose limitations on population size and specify the need for visible and stable boundaries. Census tracts do not cross county boundaries.

**Census Tract Number**—A four-digit number between 0001 and 9999, possibly with a two-digit suffix, for example 9999.01 used to identify a census tract uniquely within a county and usually with a metropolitan area. Leading zeroes are not shown on census maps.

**Corporate Limit**—The legally defined boundary of an incorporated place. This boundary is subject to change through the process of locally initiated annexation, detachment and/or disincorporation.

**Deviation** – see relative deviation.

**Fracturing**—This term is used when a minority population is divided into multiple districts, diluting the strength of racial bloc voting and resulting in the inability to elect candidates of their choice.

**GIS—(Geographic Information System)**-Computer mapping system used by the State of Tennessee to create and maintain districts and precincts. GIS establishes a link between the PL 94-171 (population) data and the TIGER (map) data for easier and faster calculations in the redistricting process and allows for map customization and analysis.

**Ideal District Population**—In single-member district plans, the ideal district population is equal to the total population divided by the total number of districts. In multimember districts, the ideal population is

instead expressed as the ideal population per representative.

**Incorporated Place**—A political unit, incorporated as a city or town having legally prescribed limits, powers and functions. Also known as “incorporated municipality.”

**Majority-minority districts**—Districts where an ethnic or language minority group(s) has the largest percentage of the total population in that district.

**Multimember Districts**—districts where citizens vote for and are represented by more than one member or commissioner. County commissions in Tennessee may have up to three members per district.

**One person, one vote**—An often cited phrase written by former Supreme Court Justice William O. Douglas in the 1963 *Grey v. Sanders* decision in which the Court held that unit voting (at-large) systems are unconstitutional per se. (“The conception of political equality from the Declaration of Independence, to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one [person], one vote.”)

**Overall Range**—A simple statistical measure of variability, overall range measures the difference between the highest and lowest values in a distribution. For example, if a county had 5 districts, the highest with a relative deviation of 5.4% and the lowest with a relative deviation of –3.8%, the overall range would be 9.2%.

**Packing**—This term is used when a minority group is concentrated into one or more districts so that the group constitutes an overwhelming majority in those districts, thereby wasting a percentage of the vote.

**PL 94-171**—Law passed by Congress in 1975, requiring the U.S. Census Bureau to furnish state governments population data by April 1 of the year following the census count for use in redistricting. The law requires that the bureau allow the states to define the boundaries of the areas for which the population data is collected.

**Precinct (see also Voting Tabulation District, VTD)** —A subdivision of a county commission district that contains a polling place where registered voters cast ballots in elections. County commission districts can not split precincts.

**Preclearance**—A term applied to specific jurisdictions or parts of jurisdictions, including states, counties or cities, which fall under the provisions of Section 5 of the Voting Rights Act. These jurisdictions are required to “preclear” all revisions to their election laws or practices prior to their implementation through review by either the U.S. Department of Justice or the U.S. Court of Appeals for the District of Columbia. (Tennessee, at present, is not a preclearance state.)

**Reapportionment** – see apportionment

**Redistricting**—This term refers to the redrawing of political boundaries, such as county commission or city council districts to achieve equal population among the various districts.

**Relative Deviation**—A percentage, indicating the difference in the ideal population from a districts actual population.

**Results Test**—In 1982 Congress amended Section 2 of the Voting Rights Act to provide that any voting practice which “results” in discrimination on the basis of race, color or membership in a language minority is unlawful. Before the 1982 amendment, plaintiffs were required to prove discriminatory *intent* rather than *effect*.

**Retrogression** -- Term usually applied to redistricting where a new district plan reduces or eliminates old majority minority districts by packing or fracturing minority population resulting in the inability of minorities to elect candidates of their choice.

**Single-Member Districts**—These are districts represented by one person.

**T.I.G.E.R.**—(Topologically Integrated Geographic Encoding and Referencing) Digital map created from the Census Bureau containing selected geographic and cartographic information used to support its mapping requirements. It is the base map that is used for redistricting in the State of Tennessee.

**Undercount**—The estimated number of people who are not counted by the census.

**Vote Dilution**—“A process whereby election laws or practices, either singly or in concert, combine with systematic bloc voting among an identifiable group to diminish the voting strength of at least one other group.” (From “The Quiet Revolution in Minority Voting Rights” by Laughlin McDonald, *Vanderbilt Law Review*, Vol.42:1249)

**Voting Rights Act**—Originally passed by Congress in 1965, the Act was designed to protect the right to vote as guaranteed by the 15th Amendment, and to enforce the 14th Amendment and Article 1, Section 4 of the Constitution. Since 1965, Congress has amended it in 1970, 1975 and 1982. Sections 2 and 5 of the Voting Rights Act directly affect redistricting efforts. Section 2, which applies to all jurisdictions, prohibits imposing any voting practice that results in the denial of the right to vote. It mandates that all citizens must have an equal opportunity “to participate in the political process and to elect representatives of their choice.” Section 5 applies only to jurisdictions subject to preclearance by the U.S. Justice Department as a result of meeting certain criteria established in Section 5. Both sections create legal causes of action against violating jurisdictions.

**Voting Tabulation District**—(VTD) a term used by the census bureau to define local voting districts, or precincts in Tennessee.